

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2006-005360

03/27/2007

HONORABLE PETER SWANN

CLERK OF THE COURT
D. Monroe
Deputy

LUKE AUBERT, et al.

THOMAS J HOWARD

v.

VICTOR ZACHARY MARTIN

ROSA DERIEUX

R JOE BYER

MINUTE ENTRY

8:36 a.m. This is the time set for Pretrial Conference. Plaintiffs, Luke Aubert and Karen Aubert, are represented by counsel, Thomas J. Howard. Defendant, Victor Zachary Martin, is represented by counsel, Rosa Derieux.

Court Reporter, Judie Bryant, is present.

The Court has received the parties' Rule 16(b) Scheduling Memorandum. Discussion is held regarding mediation.

Counsel are directed to provide the Court with a short report by Friday, April 6, 2007, if the parties are unable to agree to private mediation and want a Judge Pro Tem appointed.

IT IS ORDERED entering the following schedule for disclosure as set forth unless the parties obtain written modifications by the Court:

- (1) The identities, subject areas of expert testimony, and final disclosure shall be disclosed by: **May 29, 2007.**

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- (2) Discovery shall be completed by: **May 29, 2007.**
- (3) The parties remaining in this action shall participate in comprehensive mediation or settlement conference by **June 1, 2007.** The adjuster shall be physically present for mediation.

IT IS FURTHER ORDERED setting a Telephonic Status Conference re: Trial Setting on **June 13, 2007, at 8:30 a.m.** (time allotted: 15 minutes), in this Division. Counsel are directed to contact one another on the day of Status Conference and initiate the conference call into this Division at (602) 506-7959 on the date and time set herein.

**HONORABLE PETER B. SWANN
MARICOPA COUNTY SUPERIOR COURT
OLD COURT HOUSE
125 W. WASHINGTON
2nd FLOOR, COURTROOM 202
PHOENIX, AZ 85003
602-506-7959 TEL
602-372-8545 FAX**

IT IS FURTHER ORDERED that in no less than **five days** prior to the Status Conference set herein, the parties shall submit a Joint Statement pursuant to ARCP 16(d) and report to the Court the history and status of the efforts at Alternative Dispute Resolution pursuant to ARCP Rule 16(g).

DISCOVERY DISPUTES: In the event of any dispute concerning discovery, counsel are directed to confer pursuant to ARCP 26(g). If such conference is unsuccessful, counsel are directed to initiate a conference call with this Division **BEFORE** filing a motion to compel or motion for protective order.

8:49 a.m. Matter concludes.